

NICHOLLS JURY IS UNABLE TO AGREE

After long and fruitless deliberation, the Nicholls jury, trying a negro for assault with a deadly weapon, was locked up last night at eleven o'clock unable to agree upon a verdict.

The gun episode arose over a dusky maid who lives in Box Alley. It is alleged that both the negroes were more or less fond of her and Nicholls in the hope of gaining her affection told her he had seen Coleman give a sum of money to a Mexican woman. Coleman was immediately taken to task and he said he would make Nicholls prove what he had said. Nicholls armed himself and prepared for trouble.

This is not the first trouble in his life. At one time the country tried of frequently arresting the man and paid his expenses back to Kansas. A short time later he returned for his health and has been a familiar figure in the courts. Assistant County Attorney G. S. Cunningham made this clear in his argument to the jury when he said "He is not afraid of being arrested; he is used to it."

The case resulted in a negro, Bill Anderson being fined \$10 for contempt of court. Anderson had been subpoenaed in the morning and did not return in the afternoon. On explaining of the court that he did not know he had to respond on the same subpoena the fine was remitted.

COMPANY A OF THIS CITY NOW IN U. S. SERVICE

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dispatched, and within a few days he finished.

Company B of Safford will probably be the next company to go into the federal service. Captain Roach of that company yesterday reported to headquarters that he had enough men to muster in, and that his men were ready at any time to go through the formalities.

A private wire received from Capt. A. C. Taylor, regimental quartermaster, was to the effect that all was going well, and that the men were in good spirits, there being no sickness. He ends up by saying that they need a few more recruits to make things interesting.

None of the state property with which the men are equipped has as yet been turned over to the United States. This will not be done until all of the men have been mustered in. In the meantime, Capt. Oscar F. Temple, assistant Adjutant General, is on the ground seeing that the property is being kept in good shape. When the government is ready to take over the property, Col. Harris, adjutant general will go to Douglas, and there formally turn the property over to regular officers. At the expiration of the service of the First Regiment, new property will be issued to the men, as they are mustered out.

Hire a little salesman at The Republican office. A Want Ad. will see more customers than you can.

LOOK FOR FIGHT TODAY WITH THE FLEEING BAND

(Continued from Page One)

How Cervantes Died
FIELD HEADQUARTERS, NEAR NAMIQUIPA, May 25.—(Via radio to Columbus, May 25.)—Candelario Cervantes, the Villista bandit leader, was killed by American troops south of Cruces today.

Cervantes' end came after he had made a surprise attack on a detachment of engineers repairing the motor truck road. He was beaten back and pursued into the hills by the engineers, who had been reinforced by a detachment of the Seventeenth infantry.

One other Mexican, Jose Bencomore, and one of the Americans were killed. Two Americans were wounded.

When the engagement began the bandits outnumbered the Americans two to one. The engagement lasted almost an hour, with a hot interchange of bullets. When the reinforcements from the Seventeenth came in sight, the Villistas broke for the hills.

Corporal Marksbury Killed
SAN ANTONIO, May 22.—Corporal David Marksbury was the American soldier killed in the fight with Candelario Cervantes' bandits and Privates George D. Nicholson and George Hullett were wounded, according to Gen. Pershing's report to Gen. Funston today.

The remainder of the band was pursued and dispersed. Gen. Pershing referred to Cervantes as "second in importance to Villa."

A Tasty Summer "Snack" for the warm days when the appetite craves "something different"—for luncheon, for picnics, or any kind of outdoor excursion is **Triscuit, the Shredded Whole Wheat Wafer**. It is made of the whole wheat steam-cooked, shredded and baked. Toast it in the oven to restore its crispness and spread over it butter, soft cheese or marmalade. Its snappy, tasty aroma is a delight to the palate, supplying the greatest amount of nutriment in smallest bulk. A deliciously wholesome toast. It is ready-cooked, easily carried, is strengthening and satisfying. Made at Niagara Falls, N. Y.

importance to Villa."

Gen. Pershing said Cervantes was implicated in the Columbus raid.

Say News Important
WASHINGTON, May 26.—News of what officials regard as one of the most important accomplishments of the American expedition since it entered Mexico reached the war department today from General Pershing, who reported that Candelario Cervantes, a notorious bandit leader, who participated in the Columbus raid, had been killed near Cruces yesterday by American troops.

Announcement today that General Funston had assigned Texas national guardsmen to border patrol stations was regarded as a further indication that immediate abandonment of the Mexican expedition is not contemplated. Nearly two regiments of the Texas militia, General Funston reported, left headquarters at Fort Sam Houston, for various Texas stations. Another regiment will be assigned later to duty along the Southern Pacific railway line from Eagle Pass to Marfa.

The court martial to try the 116 Texas guardsmen, who refused to present themselves to be mustered into federal service will convene next week at Fort Sam Houston, San Antonio. Secretary Baker plans to issue the formal order today. General Funston has sent in his recommendation for membership of the military court. The appointments will be made by President Wilson.

WAITE PAINTED AS MONSTER AND MORAL IMBECILE

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the next breath promised that he would testify.

Waite said his degenerate habits, he thought, had brought about a lack of feeling in him, the witness testified. This and his weakness for women were changing him. He added that he had a "buzzing noise" in his head and said finally: "It's no use. I can't understand."

"He said he practiced medicine for the sole purpose of learning how to get rid of people," Dr. Dieffendorf declared. "He said he had read the Bible. He told me that when with Mrs. Peck he took \$80 out of her purse on the dresser in her room."

Waite told the alienists, according to the evidence, that he knew he ought to love his parents, but "never had very much."

Detailing a conversation with Waite after his trial had begun, Dr. Dieffendorf said:

"Waite told me he liked pretty girls; that he had tried to flirt with a beautiful girl in the courtroom but that he could not catch her eye."

The alienist asserted that as far as he was able to determine the defendant had "no feeling of sorrow, no feeling of shame, no strength of will." In his opinion the witness declared, Waite did not know his act was wrong. He said he made up his mind Waite was insane during his first examination of him.

At the close of Dr. Dieffendorf's examination, Walter R. Deuel, counsel for the defense, announced that he rested and court was adjourned until tomorrow.

Waite told Dr. Karpas that he had intended to kill his wife, Clara Peck Waite, and that he married her only for her money, according to testimony given by the alienist today. Dr. Karpas added that Waite said he did not intend to stop at anything to gain his ends.

Previously under cross examination Waite had told the prosecutor he "was not sure that he would not have killed his wife."

Waite declared he did not think he was crazy and denied that he had at any time pretended that he was insane. He said he had never told the prosecutors that "the man from Egypt" had killed Mr. Peck, and swore that he slept perfectly after the murder.

Dr. Waite declined to admit that he had made himself appear worse than he was in order to convince the jury he was insane.

The alienists for Waite testified that he did not appear to be mentally well and that he was abnormal in that all his interests were centered in himself.

Miss Catherine Peck, sister of John E. Peck was called. Waite testified yesterday that in an attempt to kill her he had placed ground glass in marmalade and germ cultures in fish that she was to eat.

Miss Peck said she accepted Waite as what he appeared to be and told of entrusting her business matters to him. She smiled as she recalled her narrow escapes from death.

"I ate some of the marmalade," she said, "when I opened the jar again I found it full of something like sand. I took it back to the store and the proprietor apologized."

Waite smiled broadly at her reiteration of this incident. The witness was then excused.

Dr. Gregory, head of the psychopathic ward at the Bellevue hospital, was then called as the first alienist for the defense.

Dr. Gregory testified that while Waite was in Bellevue he asked the physician to intercede for him with the district attorney and also inquired: "If I should escape the consequences of this act do you think I would make a useful citizen?"

Dr. Karpas who was formerly of the Bellevue hospital was called as an alienist for the defense. He said he examined Dr. Waite in the hospital that he did not appear to be mentally well and that he was abnormal in that his entire interest was centered upon himself.

"Waite told me," testified Dr. Karpas, "that he intended to kill his wife. He said he had not intended to stop at anything to gain his ends."

When Dr. Karpas had concluded his recital of Waite's conversations, Walter R. Deuel propounded to the alienist a hypothetical question six thousand words in length, summing up the testimony that had tended to indicate the prisoner had inherited or developed insanity and concluding with the inquiry whether, if the facts were as stated, he would consider Waite insane.

In reply, Dr. Karpas said Waite was subject to diseases known to the medical profession as "moral imbecility, moral idiocy and moral insanity."

"Does he know whether he is doing wrong and committing a crime?" asked Mr. Deuel.

"No," replied the alienist, who added that during his examination Dr. Waite

did not show any signs of feigning or of an attempt to mislead him.

"Waite gave me the impression of marked egotism, as being an egomaniac in a marked degree," said Dr. Karpas. Waite told him he did not take his first proposal to Clara Peck very seriously; this his object in marrying her was to obtain social position and financial standing, and that he was not accustomed to having girls refuse to marry him, but to accept him right away.

"Waite told me he intended to kill his wife as soon as they got to New

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Our stock is complete with every size and style. Mary Janes, Baby Puffs, strap, pump and oxfords.

Prices as usual—the lowest.

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York," continued the alienist. "He said he knew he could stop at nothing to gain his end. I discovered a lack of moral sense. He thought only of himself."

Waite admitted to him, said Dr. Karpas, that he made all sorts of excuses to get away from home and meet Mrs. Horton at a school of languages or their "studio." Waite said he told his wife that Mrs. Horton was a nurse, "I am just as all right as you are," Waite said to him, "I don't realize I am in prison. I am happy. I don't see why they make such a fuss about

it. Mrs. Waite was not soulful. She was not romantic. She was kind and considerate, but was not my equal. I wanted to use her money, and I expected to study and accomplish great things. I expected to go to the chair. I have always been for myself. If I wanted money, I got it. If I wanted women, I got them. I lived entirely for myself and forgot my parents and my brothers. My life consists of lying, stealing, cheating and killing. My personality was that of a gentleman, and I went in for music, art and poetry as far as I thought was required by

my vocation."

As evidence of Waite's peculiar emotional nature Dr. Karpas said, the dentist told him that when John E. Peck arrived here after the death of his wife by Waite's hand, Waite was able to look Mr. Peck directly in the eye and try to comfort him. The alienist quoted Waite as saying: "Death is nothing but the stopping of the breath."

While Dr. Karpas was testifying, Waite leaned his elbows on the table and dozed.

Dr. Karpas said Waite told him that

his relations with Mrs. Horton were "purely platonic."

"I pride myself on being kind, and always give lots of water to flowers so they won't die, because they are beautiful," Waite said to the alienist. "I have two selves, but I, myself, killed them because I had a purpose. Don't ask me to explain it." Waite said when Dr. Karpas asked him why he killed Mr. and Mrs. Peck.

On April 18 Waite told the alienist that he was a reincarnation, and that the "man from Egypt" was his bad self.

self.